

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 19124 PERMIT 12390 LICENSE _____

ORDER TO CORRECT THE PLACE OF USE
AND APPROVING A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 12390 was issued to the City of Fortuna on August 2, 1960 pursuant to Application 19124.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
3. The description of the place of use needs to be changed to correct an omission in the Board order dated March 2, 1987.
4. The Board has determined that said correction of the place of use to conform to the map filed February 13, 1986 will not initiate a new right nor operate to the injury of any other lawful user of water.
5. The permittee has proceeded with diligence and good cause has been shown for said correction and the extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 5 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1999

(0000009)

2. Paragraph 11 in Application 19124 which describes the authorized place of use under Permit 12390 is amended to read:

All of Section 35 and portions of Sections 25, 26, 27, 34 and 36, T3N,
R1W, HB&M;

All of Sections 1, 12 and 13 and portions of Sections 2, 11 and 14, T2N,
R1W, HB&M;

Portions of Sections 6, 7 and 18, T2N, R1E, MDB&M:

as shown on map on file with State Water Resources Control Board,
February 13, 1986.

(0000004)

Dated: **MARCH 05 1990**

Walter G. Pettit
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 19124

PERMIT 12390

LICENSE _____

ORDER APPROVING A CHANGE IN PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. A petition to change the place of use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for the said change.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of this permit is deleted. A new paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: MARCH 2 1987

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 19124

PERMIT 12390

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for extension of time and for the said change.
3. The Board has determined that this extension of time will not operate to the injury of any other legal user of water.
4. The Board has determined that the amount of water allowed under Permit 12390 is excessive and should be reduced to 3.0 cubic feet per second and the total annual diversion allowed should be reduced to 1642 acre-feet.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

APPLICATION OF THE WATER TO THE PROPOSED USE
SHALL BE COMPLETED ON OR BEFORE

December 1, 1987.

2. The maximum amount of water to be diverted under Permit 12390 be reduced to 3.0 cubic feet per second.
3. The total annual diversion and use allowed under said Permit 12390 be limited to 1642 acre-feet.
4. Paragraph 7 of the permit be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

5. Paragraph 8 be added to the permit as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board, if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in Water Quality Control plans which have been or hereafter may be established or modified pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste dischargers which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

MARCH 14 1979

Dated:



Clint Whitney
Executive Director
Water Rights and
Administration

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1140, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

APPLICATION 19124

PERMIT 12390

THE STATE WATER RESOURCES CONTROL BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 12390; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1975

DATED: FEB 6 1968

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 19124

PERMIT 12390

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 12390; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

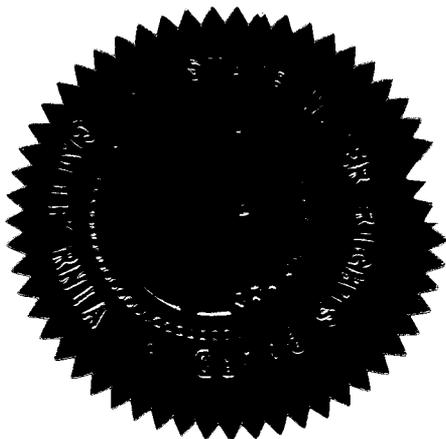
NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1966

WITNESS MY HAND AND THE SEAL OF THE STATE WATER RIGHTS BOARD

THIS 16th day of March, 1965

L. K. Hill
L. K. HILL
EXECUTIVE OFFICER



ORDER

APPLICATION 19124

PERMIT 12390

LICENSE _____

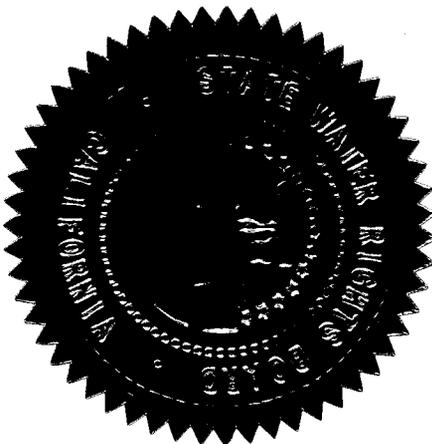
ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS permittee has established to the satisfaction of the State Water Rights Board that the change in point of diversion under Application 19124, Permit 12390, for which petition was submitted on December 27, 1961, will not operate to the injury of any other legal user of water and the Board so finds;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 19124, Permit 12390, to a point of diversion described as follows, to wit:

SOUTH 2450 FEET AND WEST 1850 FEET FROM NE CORNER OF SECTION 11, T2N, R1W, HB&M, BEING WITHIN THE SW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 11.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 16th day of April, 1962



L. K. Hill
L. K. Hill
Executive Officer

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 19124 Filed December 8, 1959 at 11:30 A.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER
 AMENDED APPLICATION RECEIVED 12-23-59

I, City of Fortuna
Name of applicant or applicants
 of City Hall, Fortuna County of Humboldt
Address
 State of California, do hereby make application for a permit to appropriate the

following described unappropriated waters of the State of California, *SUBJECT TO VESTED RIGHTS*:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Eel River (underflow)
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
 located in Humboldt County, tributary to Pacific Ocean

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 7.74 cubic feet per
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
 second, to be diverted from January 1 to December 31 of each year.
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use _____ acre-feet
1 acre-foot equals 325,851 gallons
 per annum, to be collected between _____ and _____ of each season.
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is Municipal
Domestic, irrigation, power, municipal, mining, industrial, recreational
 _____ purposes.

4. The point of diversion is to be located 1080 feet south and 350 feet west of the NE corner
State bearing and distance or coordinate distances from section or quarter section corner
of Section 3, T2N, R1W, HB&M.
Amended by order of 1-16-62
 being within the NE¹/₄ of NE¹/₄
State 40-acre subdivision of public land survey or projection thereof
 of Section 3, T. 2N, R. 1W, H. B. & M., in the County of Humboldt

5. The main conduit terminates in SW¹/₄ of NE¹/₄ of Sec. 35, T. 3N, R. 1W, H. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from Sump at terminal of Infiltration Galleries
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being _____ feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of _____
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. Storage Reservoir _____
Name

The storage reservoir will flood lands in _____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.

In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials _____ of construction _____ Earth, rock, timber, etc.

(b) Pipe line: Diameter _____ 16 inches; length _____ 9000 feet; grade _____ 20 feet per _____ 1,000 feet; total lift _____ 220 feet; kind _____ Concrete lined and coated steel

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is _____ 7.74 cubic feet per second or _____ State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is _____ \$ 100,000.00

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before _____ December 31, 1960.

Construction work will be completed on or before _____ December 31, 1985.

The water will be completely applied to the proposed use on or before _____ December 31, 1985.

Description of Proposed Use

11. Place of Use. City of Fortuna and adjacent territory being in Sections 25, 26, 27, 34, 35 and 36, T3N, R1W, H&M., and Sections 1, 2, 3, 11 & 12, T2N, R1W, H&M.

40-acre tracts, describe area in a general way and show detail upon map.

Do (es) applicant (s) own the land whereon use of water will be made? _____ NO _____ Yes or No

Jointly? _____ NO _____ Yes or No

Municipality and Adjacent Territory

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

1.	2.	3.	4.
Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use
			Source of Other Supply

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is _____ acres. State net acreage to be irrigated _____ acres.

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres; orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ Beginning date _____ and end about _____ Closing date _____

14. Power Use. The total fall to be utilized is _____ feet. Difference between nozzle or draft tube water level and first free water surface above _____ cubic feet per second.

The maximum amount of water to be used through the penstock is _____ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.

The use to which the power is to be applied is _____ For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____ Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will not be returned to _____ Name stream _____ in _____ State 40-acre subdivision _____ of _____

IMPORTANT
[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 12390

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed seven and seventy-four hundredths (7.74) cubic feet per second to be diverted from January 1 to December 31 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before December 1, 1960, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1962.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1963.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUG 2 1960

STATE WATER RIGHTS BOARD



L. K. Hill
L. K. Hill
Executive Officer

12390

15. **Municipal Use.** This application is made for the purpose of serving City of Fortuna and adjacent
Name city or cities, town or towns. Urban areas only
territory having a present population of 8000

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

1960 - 1.0 MGD 1975 - 4.0 MGD
1965 - 2.0 MGD 1980 - 4.5 MGD
1970 - 3.0 MGD 1985 - 5.0 MGD

16. **Mining Use.** The name of the mining property to be served is _____
Name of claim
_____ and the nature of the mines is _____
Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____
Cubic feet per second, gallons per minute. State basis of estimate

The water will be polluted by chemicals or otherwise _____
will not Explain nature of pollution, if any

and it will be returned to _____ in _____ of
will not Name stream State 40-acre subdivision
Sec. _____, T. _____, R. _____, B. & M. _____

17. **Other Uses.** The nature of the use proposed is _____
Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. _____
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

industrial use, and unit requirements

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not,
Yes or No
state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? No If not, give name and
Yes or No
address of owner and state what steps have been taken to secure right of access thereto. Negotiating for purchase of
Corrina Pedrazzini, Loleta, California

20. What is the name of the post office most used by those living near the proposed point of diversion?
Fortuna, Humboldt County, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?
No known claimants

[SIGNATURE OF APPLICANT] /s/ T. G. Lippert
MAYOR: CITY OF FORTUNA